

REFERENCE TITLE: placement of children; interstate compact

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1447

Introduced by
Senator Gray L

AN ACT

AMENDING TITLE 8, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-548.07; AMENDING TITLE 8, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.1; RELATING TO THE INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 5, article 4, Arizona Revised Statutes, is
3 amended by adding section 8-548.07, to read:

4 8-548.07. Adoption of subsequent compact; effect

5 THE COMPACT ADOPTED PURSUANT TO THIS ARTICLE IS SUPERSEDED BY A
6 SUBSEQUENT INTERSTATE COMPACT RELATING TO THE PLACEMENT OF CHILDREN IF THE
7 SUBSEQUENT COMPACT IS ADOPTED BY THIS STATE AND BECOMES BINDING AND
8 ENFORCEABLE PURSUANT TO THE TERMS OF THE SUBSEQUENT COMPACT.

9 Sec. 2. Title 8, chapter 5, Arizona Revised Statutes, is amended by
10 adding article 4.1, to read:

11 ARTICLE 4.1. INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN

12 8-549. Enactment of compact; terms

13 THE INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN IS ENACTED INTO
14 LAW AND ENTERED INTO WITH ALL OTHER JURISDICTIONS LEGALLY JOINING IN THE
15 COMPACT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

16 ARTICLE I. PURPOSE

17 THE PURPOSE OF THIS INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN IS
18 TO:

19 1. PROVIDE A PROCESS THROUGH WHICH CHILDREN SUBJECT TO THIS COMPACT
20 ARE PLACED IN SAFE AND SUITABLE HOMES IN A TIMELY MANNER.

21 2. FACILITATE ONGOING SUPERVISION OF A PLACEMENT, THE DELIVERY OF
22 SERVICES AND COMMUNICATION BETWEEN THE STATES.

23 3. PROVIDE OPERATING PROCEDURES THAT WILL ENSURE THAT CHILDREN ARE
24 PLACED IN SAFE AND SUITABLE HOMES IN A TIMELY MANNER.

25 4. PROVIDE FOR THE PROMULGATION AND ENFORCEMENT OF ADMINISTRATIVE
26 RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT AND REGULATING THE COVERED
27 ACTIVITIES OF THE MEMBER STATES.

28 5. PROVIDE FOR UNIFORM DATA COLLECTION AND INFORMATION SHARING BETWEEN
29 MEMBER STATES UNDER THIS COMPACT.

30 6. PROMOTE COORDINATION BETWEEN THIS COMPACT, THE INTERSTATE COMPACT
31 FOR JUVENILES, THE INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE AND
32 OTHER COMPACTS AFFECTING THE PLACEMENT OF AND WHICH PROVIDE SERVICES TO
33 CHILDREN OTHERWISE SUBJECT TO THIS COMPACT.

34 7. PROVIDE FOR A STATE'S CONTINUING LEGAL JURISDICTION AND
35 RESPONSIBILITY FOR PLACEMENT AND CARE OF A CHILD THAT IT WOULD HAVE HAD IF
36 THE PLACEMENT WERE INTRASTATE.

37 8. PROVIDE FOR THE PROMULGATION OF GUIDELINES, IN COLLABORATION WITH
38 INDIAN TRIBES, FOR INTERSTATE CASES INVOLVING INDIAN CHILDREN AS IS OR MAY BE
39 PERMITTED BY FEDERAL LAW.

40 ARTICLE II. DEFINITIONS

41 AS USED IN THIS COMPACT:

42 1. "APPROVED PLACEMENT" MEANS THE PUBLIC CHILD PLACING AGENCY IN THE
43 RECEIVING STATE HAS DETERMINED THAT THE PLACEMENT IS BOTH SAFE AND SUITABLE
44 FOR THE CHILD.

1 2. "ASSESSMENT" MEANS AN EVALUATION OF A PROSPECTIVE PLACEMENT BY A
2 PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE TO DETERMINE IF THE
3 PLACEMENT MEETS THE INDIVIDUALIZED NEEDS OF THE CHILD, INCLUDING, BUT NOT
4 LIMITED TO, THE CHILD'S SAFETY AND STABILITY, HEALTH AND WELL-BEING, AND
5 MENTAL, EMOTIONAL AND PHYSICAL DEVELOPMENT. AN ASSESSMENT IS ONLY APPLICABLE
6 TO A PLACEMENT BY A PUBLIC CHILD PLACING AGENCY.

7 3. "CERTIFICATION" MEANS TO ATTEST, DECLARE OR SWEAR TO BEFORE A JUDGE
8 OR NOTARY PUBLIC.

9 4. "CHILD" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED EIGHTEEN YEARS OF
10 AGE.

11 5. "DEFAULT" MEANS THE FAILURE OF A MEMBER STATE TO PERFORM THE
12 OBLIGATIONS OR RESPONSIBILITIES IMPOSED ON IT BY THIS COMPACT OR THE BYLAWS
13 OR RULES OF THE INTERSTATE COMMISSION.

14 6. "HOME STUDY" MEANS AN EVALUATION OF A HOME ENVIRONMENT THAT IS
15 CONDUCTED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE STATE IN
16 WHICH THE HOME IS LOCATED AND THAT DOCUMENTS THE PREPARATION AND THE
17 SUITABILITY OF THE PLACEMENT RESOURCE FOR PLACEMENT OF A CHILD IN ACCORDANCE
18 WITH THE LAWS AND REQUIREMENTS OF THE STATE IN WHICH THE HOME IS LOCATED.

19 7. "INDIAN TRIBE" MEANS ANY INDIAN TRIBE, BAND, NATION OR OTHER
20 ORGANIZED GROUP OR COMMUNITY OF INDIANS RECOGNIZED AS ELIGIBLE FOR SERVICES
21 PROVIDED TO INDIANS BY THE SECRETARY OF THE INTERIOR BECAUSE OF THEIR STATUS
22 AS INDIANS, INCLUDING ANY ALASKAN NATIVE VILLAGE AS DEFINED IN THE ALASKA
23 NATIVE CLAIMS SETTLEMENT ACT (43 UNITED STATES CODE SECTION 1602(c)).

24 8. "INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN" MEANS THE
25 COMMISSION THAT IS CREATED UNDER ARTICLE VIII OF THIS COMPACT AND THAT IS
26 GENERALLY REFERRED TO AS THE INTERSTATE COMMISSION.

27 9. "JURISDICTION" MEANS THE POWER AND AUTHORITY OF A COURT TO HEAR AND
28 DECIDE MATTERS.

29 10. "LEGAL RISK PLACEMENT" OR "LEGAL RISK ADOPTION" MEANS A PLACEMENT
30 MADE PRELIMINARY TO AN ADOPTION WHERE THE PROSPECTIVE ADOPTIVE PARENTS
31 ACKNOWLEDGE IN WRITING THAT A CHILD CAN BE ORDERED RETURNED TO THE SENDING
32 STATE OR THE BIRTH MOTHER'S STATE OF RESIDENCE, IF DIFFERENT FROM THE SENDING
33 STATE, AND A FINAL DECREE OF ADOPTION SHALL NOT BE ENTERED IN ANY
34 JURISDICTION UNTIL ALL REQUIRED CONSENTS ARE OBTAINED OR ARE DISPENSED WITH
35 IN ACCORDANCE WITH APPLICABLE LAW.

36 11. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.

37 12. "NONCUSTODIAL PARENT" MEANS A PERSON WHO, AT THE TIME OF THE
38 COMMENCEMENT OF COURT PROCEEDINGS IN THE SENDING STATE, DOES NOT HAVE SOLE
39 LEGAL CUSTODY OF THE CHILD OR HAS JOINT LEGAL CUSTODY OF A CHILD, AND WHO IS
40 NOT THE SUBJECT OF ALLEGATIONS OR FINDINGS OF CHILD ABUSE OR NEGLECT.

41 13. "NONMEMBER STATE" MEANS A STATE THAT HAS NOT ENACTED THIS COMPACT.

42 14. "NOTICE OF RESIDENTIAL PLACEMENT" MEANS INFORMATION REGARDING A
43 PLACEMENT INTO A RESIDENTIAL FACILITY PROVIDED TO THE RECEIVING STATE
44 INCLUDING, BUT NOT LIMITED TO, THE NAME, DATE AND PLACE OF BIRTH OF THE
45 CHILD, THE IDENTITY AND ADDRESS OF THE PARENT OR LEGAL GUARDIAN, EVIDENCE OF

1 AUTHORITY TO MAKE THE PLACEMENT AND THE NAME AND ADDRESS OF THE FACILITY IN
2 WHICH THE CHILD WILL BE PLACED. NOTICE OF RESIDENTIAL PLACEMENT SHALL ALSO
3 INCLUDE INFORMATION REGARDING A DISCHARGE AND ANY UNAUTHORIZED ABSENCE FROM
4 THE FACILITY.

5 15. "PLACEMENT" MEANS THE ACT BY A PUBLIC OR PRIVATE CHILD PLACING
6 AGENCY INTENDED TO ARRANGE FOR THE CARE OR CUSTODY OF A CHILD IN ANOTHER
7 STATE.

8 16. "PRIVATE CHILD PLACING AGENCY" MEANS ANY PRIVATE CORPORATION,
9 AGENCY, FOUNDATION, INSTITUTION OR CHARITABLE ORGANIZATION, OR ANY PRIVATE
10 PERSON OR ATTORNEY THAT FACILITATES, CAUSES OR IS INVOLVED IN THE PLACEMENT
11 OF A CHILD FROM ONE STATE TO ANOTHER AND THAT IS NOT AN INSTRUMENTALITY OF
12 THE STATE OR ACTING UNDER COLOR OF STATE LAW.

13 17. "PROVISIONAL PLACEMENT" MEANS A DETERMINATION MADE BY THE PUBLIC
14 CHILD PLACING AGENCY IN THE RECEIVING STATE THAT THE PROPOSED PLACEMENT IS
15 SAFE AND SUITABLE AND, TO THE EXTENT ALLOWABLE, THE RECEIVING STATE HAS
16 TEMPORARILY WAIVED ITS STANDARDS OR REQUIREMENTS OTHERWISE APPLICABLE TO
17 PROSPECTIVE FOSTER OR ADOPTIVE PARENTS SO AS TO NOT DELAY THE PLACEMENT.
18 COMPLETION OF THE RECEIVING STATE REQUIREMENTS REGARDING TRAINING FOR
19 PROSPECTIVE FOSTER OR ADOPTIVE PARENTS SHALL NOT DELAY AN OTHERWISE SAFE AND
20 SUITABLE PLACEMENT.

21 18. "PUBLIC CHILD PLACING AGENCY" MEANS ANY GOVERNMENT CHILD WELFARE
22 AGENCY OR CHILD PROTECTION AGENCY OR A PRIVATE ENTITY UNDER CONTRACT WITH
23 SUCH AN AGENCY, REGARDLESS OF WHETHER THEY ACT ON BEHALF OF A STATE, COUNTY,
24 MUNICIPALITY OR OTHER GOVERNMENTAL UNIT AND THAT FACILITATES, CAUSES OR IS
25 INVOLVED IN THE PLACEMENT OF A CHILD FROM ONE STATE TO ANOTHER.

26 19. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD IS SENT OR
27 BROUGHT OR CAUSED TO BE SENT OR BROUGHT.

28 20. "RELATIVE" MEANS SOMEONE WHO IS RELATED TO THE CHILD AS A PARENT,
29 STEPPARENT, SIBLING BY HALF OR WHOLE BLOOD OR BY ADOPTION, GRANDPARENT, AUNT,
30 UNCLE OR FIRST COUSIN OR A NONRELATIVE WITH SUCH SIGNIFICANT TIES TO THE
31 CHILD THAT THE NONRELATIVE MAY BE REGARDED AS A RELATIVE AS DETERMINED BY THE
32 COURT IN THE SENDING STATE.

33 21. "RESIDENTIAL FACILITY" MEANS A FACILITY PROVIDING A LEVEL OF CARE
34 THAT IS SUFFICIENT TO SUBSTITUTE FOR PARENTAL RESPONSIBILITY OR FOSTER CARE,
35 AND IS BEYOND WHAT IS NEEDED FOR ASSESSMENT OR TREATMENT OF AN ACUTE
36 CONDITION. FOR THE PURPOSES OF THE COMPACT, RESIDENTIAL FACILITIES DO NOT
37 INCLUDE INSTITUTIONS PRIMARILY EDUCATIONAL IN CHARACTER, HOSPITALS OR OTHER
38 MEDICAL FACILITIES.

39 22. "RULE" MEANS A WRITTEN DIRECTIVE, MANDATE, STANDARD OR PRINCIPLE
40 THAT IS ISSUED BY THE INTERSTATE COMMISSION PROMULGATED PURSUANT TO ARTICLE
41 XI OF THIS COMPACT, THAT IS OF GENERAL APPLICABILITY AND THAT IMPLEMENTS,
42 INTERPRETS OR PRESCRIBES A POLICY OR PROVISION OF THE COMPACT. "RULE" HAS
43 THE FORCE AND EFFECT OF AN ADMINISTRATIVE RULE IN A MEMBER STATE, AND
44 INCLUDES THE AMENDMENT, REPEAL OR SUSPENSION OF AN EXISTING RULE.

1 23. "SENDING STATE" MEANS THE STATE FROM WHICH THE PLACEMENT OF A CHILD
2 IS INITIATED.

3 24. "SERVICE MEMBER'S PERMANENT DUTY STATION" MEANS THE MILITARY
4 INSTALLATION WHERE AN ACTIVE DUTY ARMED SERVICES MEMBER IS CURRENTLY ASSIGNED
5 AND IS PHYSICALLY LOCATED UNDER COMPETENT ORDERS THAT DO NOT SPECIFY THE DUTY
6 AS TEMPORARY.

7 25. "SERVICE MEMBER'S STATE OF LEGAL RESIDENCE" MEANS THE STATE IN
8 WHICH THE ACTIVE DUTY ARMED SERVICES MEMBER IS CONSIDERED A RESIDENT FOR TAX
9 AND VOTING PURPOSES.

10 26. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
11 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS,
12 GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER TERRITORY
13 OF THE UNITED STATES.

14 27. "STATE COURT" MEANS A JUDICIAL BODY OF A STATE THAT IS VESTED BY
15 LAW WITH RESPONSIBILITY FOR ADJUDICATING CASES INVOLVING ABUSE, NEGLECT,
16 DEPRIVATION, DELINQUENCY OR STATUS OFFENSES OF INDIVIDUALS WHO HAVE NOT
17 ATTAINED EIGHTEEN YEARS OF AGE.

18 28. "SUPERVISION" MEANS MONITORING PROVIDED BY THE RECEIVING STATE ONCE
19 A CHILD HAS BEEN PLACED IN A RECEIVING STATE PURSUANT TO THIS COMPACT.

20 ARTICLE III. APPLICABILITY

21 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS ARTICLE, THIS COMPACT
22 SHALL APPLY TO:

23 1. THE INTERSTATE PLACEMENT OF A CHILD SUBJECT TO ONGOING COURT
24 JURISDICTION IN THE SENDING STATE, DUE TO ALLEGATIONS OR FINDINGS THAT THE
25 CHILD HAS BEEN ABUSED, NEGLECTED OR DEPRIVED AS DEFINED BY THE LAWS OF THE
26 SENDING STATE, EXCEPT THAT THE PLACEMENT OF A CHILD INTO A RESIDENTIAL
27 FACILITY SHALL ONLY REQUIRE NOTICE OF RESIDENTIAL PLACEMENT TO THE RECEIVING
28 STATE BEFORE PLACEMENT.

29 2. THE INTERSTATE PLACEMENT OF A CHILD ADJUDICATED DELINQUENT OR
30 UNMANAGEABLE BASED ON THE LAWS OF THE SENDING STATE AND SUBJECT TO ONGOING
31 COURT JURISDICTION OF THE SENDING STATE IF EITHER:

32 (a) THE CHILD IS BEING PLACED IN A RESIDENTIAL FACILITY IN ANOTHER
33 MEMBER STATE AND IS NOT COVERED UNDER ANOTHER COMPACT.

34 (b) THE CHILD IS BEING PLACED IN ANOTHER MEMBER STATE AND THE
35 DETERMINATION OF SAFETY AND SUITABILITY OF THE PLACEMENT AND SERVICES
36 REQUIRED IS NOT PROVIDED THROUGH ANOTHER COMPACT.

37 3. THE INTERSTATE PLACEMENT OF ANY CHILD BY A PUBLIC CHILD PLACING
38 AGENCY OR PRIVATE CHILD PLACING AGENCY AS A PRELIMINARY STEP TO A POSSIBLE
39 ADOPTION.

40 B. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO ANY OF THE
41 FOLLOWING:

42 1. THE INTERSTATE PLACEMENT OF A CHILD IN A CUSTODY PROCEEDING IN
43 WHICH A PUBLIC CHILD PLACING AGENCY IS NOT A PARTY IF THE PLACEMENT IS NOT
44 INTENDED TO EFFECTUATE AN ADOPTION.

2. THE INTERSTATE PLACEMENT OF A CHILD WITH A NONRELATIVE IN A RECEIVING STATE BY A PARENT WITH THE LEGAL AUTHORITY TO MAKE SUCH A PLACEMENT, EXCEPT THAT THE PLACEMENT IS NOT INTENDED TO EFFECTUATE AN ADOPTION.

3. THE INTERSTATE PLACEMENT OF A CHILD BY ONE RELATIVE WITH THE LAWFUL AUTHORITY TO MAKE SUCH A PLACEMENT DIRECTLY WITH A RELATIVE IN A RECEIVING STATE.

4. THE PLACEMENT OF A CHILD NOT SUBJECT TO SUBSECTION A OF THIS ARTICLE, INTO A RESIDENTIAL FACILITY BY THE CHILD'S PARENT.

5. THE PLACEMENT OF A CHILD WITH A NONCUSTODIAL PARENT IF ALL OF THE FOLLOWING APPLY:

(a) THE NONCUSTODIAL PARENT PROVES TO THE SATISFACTION OF A COURT IN THE SENDING STATE A SUBSTANTIAL RELATIONSHIP WITH THE CHILD.

(b) THE COURT IN THE SENDING STATE MAKES A WRITTEN FINDING THAT PLACEMENT WITH THE NONCUSTODIAL PARENT IS IN THE BEST INTERESTS OF THE CHILD.

(c) THE COURT IN THE SENDING STATE DISMISSES ITS JURISDICTION IN INTERSTATE PLACEMENTS IN WHICH THE PUBLIC CHILD PLACING AGENCY IS A PARTY TO THE PROCEEDING.

6. A CHILD ENTERING THE UNITED STATES FROM A FOREIGN COUNTRY FOR THE PURPOSE OF ADOPTION OR LEAVING THE UNITED STATES TO GO TO A FOREIGN COUNTRY FOR THE PURPOSE OF ADOPTION IN THAT COUNTRY.

7. CASES IN WHICH A UNITED STATES CITIZEN CHILD WHO IS LIVING OVERSEAS WITH THE CHILD'S FAMILY, AT LEAST ONE OF WHOM IS IN THE UNITED STATES ARMED SERVICES AND IS STATIONED OVERSEAS, IS REMOVED AND PLACED IN A STATE.

8. THE SENDING OF A CHILD BY A PUBLIC CHILD PLACING AGENCY OR A PRIVATE CHILD PLACING AGENCY FOR A VISIT AS DEFINED BY THE RULES OF THE INTERSTATE COMMISSION.

C. FOR THE PURPOSES OF DETERMINING THE APPLICABILITY OF THIS COMPACT TO THE PLACEMENT OF A CHILD WITH A FAMILY IN THE ARMED SERVICES OF THE UNITED STATES, THE PUBLIC CHILD PLACING AGENCY OR PRIVATE CHILD PLACING AGENCY MAY CHOOSE THE STATE OF THE SERVICE MEMBER'S PERMANENT DUTY STATION OR THE SERVICE MEMBER'S DECLARED LEGAL RESIDENCE.

D. THIS COMPACT SHALL NOT BE CONSTRUED TO PROHIBIT THE CONCURRENT APPLICATION OF THE PROVISIONS OF THIS COMPACT WITH OTHER APPLICABLE INTERSTATE COMPACTS INCLUDING THE INTERSTATE COMPACT FOR JUVENILES AND THE INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE. THE INTERSTATE COMMISSION MAY IN COOPERATION WITH OTHER INTERSTATE COMPACT COMMISSIONS HAVING RESPONSIBILITY FOR THE INTERSTATE MOVEMENT, PLACEMENT OR TRANSFER OF CHILDREN, PROMULGATE LIKE RULES TO ENSURE THE COORDINATION OF SERVICES, THE TIMELY PLACEMENT OF CHILDREN AND THE REDUCTION OF UNNECESSARY OR DUPLICATIVE ADMINISTRATIVE OR PROCEDURAL REQUIREMENTS.

ARTICLE IV. JURISDICTION

A. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS ARTICLE AND ARTICLE V, SUBSECTION B, PARAGRAPHS 2 AND 3 OF THIS COMPACT CONCERNING PRIVATE AND INDEPENDENT ADOPTIONS, AND IN INTERSTATE PLACEMENTS IN WHICH THE PUBLIC CHILD

1 PLACING AGENCY IS NOT A PARTY TO A CUSTODY PROCEEDING, THE SENDING STATE
2 SHALL RETAIN JURISDICTION OVER A CHILD WITH RESPECT TO ALL MATTERS OF CUSTODY
3 AND DISPOSITION OF THE CHILD THAT IT WOULD HAVE HAD IF THE CHILD HAD REMAINED
4 IN THE SENDING STATE. SUCH JURISDICTION SHALL ALSO INCLUDE THE POWER TO
5 ORDER THE RETURN OF THE CHILD TO THE SENDING STATE.

6 B. WHEN AN ISSUE OF CHILD PROTECTION OR CUSTODY IS BROUGHT BEFORE A
7 COURT IN THE RECEIVING STATE, THAT COURT SHALL CONFER WITH THE COURT OF THE
8 SENDING STATE TO DETERMINE THE MOST APPROPRIATE FORUM FOR ADJUDICATION.

9 C. IN CASES THAT ARE BEFORE COURTS AND SUBJECT TO THIS COMPACT, THE
10 TAKING OF TESTIMONY FOR HEARINGS BEFORE ANY JUDICIAL OFFICER MAY OCCUR IN
11 PERSON OR BY TELEPHONE, AUDIO VIDEO CONFERENCE OR SUCH OTHER MEANS AS
12 APPROVED BY THE RULES OF THE INTERSTATE COMMISSION. JUDICIAL OFFICERS MAY
13 COMMUNICATE WITH OTHER JUDICIAL OFFICERS AND PERSONS INVOLVED IN THE
14 INTERSTATE PROCESS AS MAY BE PERMITTED BY THEIR CANONS OF JUDICIAL CONDUCT
15 AND ANY RULES PROMULGATED BY THE INTERSTATE COMMISSION.

16 D. IN ACCORDANCE WITH ITS OWN LAWS, THE COURT IN THE SENDING STATE
17 SHALL HAVE AUTHORITY TO TERMINATE ITS JURISDICTION IF ANY OF THE FOLLOWING
18 APPLIES:

19 1. THE CHILD IS REUNIFIED WITH THE PARENT IN THE RECEIVING STATE WHO
20 IS THE SUBJECT OF ALLEGATIONS OR FINDINGS OF ABUSE OR NEGLECT, ONLY WITH THE
21 CONCURRENCE OF THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE.

22 2. THE CHILD IS ADOPTED.

23 3. THE CHILD REACHES THE AGE OF MAJORITY UNDER THE LAWS OF THE SENDING
24 STATE.

25 4. THE CHILD ACHIEVES LEGAL INDEPENDENCE PURSUANT TO THE LAWS OF THE
26 SENDING STATE.

27 5. A GUARDIANSHIP IS CREATED BY A COURT IN THE RECEIVING STATE WITH
28 THE CONCURRENCE OF THE COURT IN THE SENDING STATE.

29 6. AN INDIAN TRIBE HAS PETITIONED FOR AND RECEIVED JURISDICTION FROM
30 THE COURT IN THE SENDING STATE.

31 7. THE PUBLIC CHILD PLACING AGENCY OF THE SENDING STATE REQUESTS
32 TERMINATION AND HAS OBTAINED THE CONCURRENCE OF THE PUBLIC CHILD PLACING
33 AGENCY IN THE RECEIVING STATE.

34 E. WHEN A SENDING STATE COURT TERMINATES ITS JURISDICTION, THE
35 RECEIVING STATE CHILD PLACING AGENCY SHALL BE NOTIFIED.

36 F. NOTHING IN THIS ARTICLE SHALL DEFEAT A CLAIM OF JURISDICTION BY A
37 RECEIVING STATE COURT SUFFICIENT TO DEAL WITH AN ACT OF TRUANCY, DELINQUENCY,
38 CRIME OR BEHAVIOR INVOLVING A CHILD AS DEFINED BY THE LAWS OF THE RECEIVING
39 STATE COMMITTED BY THE CHILD IN THE RECEIVING STATE THAT WOULD BE A VIOLATION
40 OF ITS LAWS.

41 G. NOTHING IN THIS ARTICLE SHALL LIMIT THE RECEIVING STATE'S ABILITY
42 TO TAKE EMERGENCY JURISDICTION FOR THE PROTECTION OF THE CHILD.

43 H. THE SUBSTANTIVE LAWS OF THE STATE IN WHICH AN ADOPTION WILL BE
44 FINALIZED SHALL SOLELY GOVERN ALL ISSUES RELATING TO THE ADOPTION OF THE
45 CHILD AND THE COURT IN WHICH THE ADOPTION PROCEEDING IS FILED SHALL HAVE

1 SUBJECT MATTER JURISDICTION REGARDING ALL SUBSTANTIVE ISSUES RELATING TO THE
2 ADOPTION, EXCEPT:

3 1. WHEN THE CHILD IS A WARD OF ANOTHER COURT THAT ESTABLISHED
4 JURISDICTION OVER THE CHILD BEFORE THE PLACEMENT.

5 2. WHEN THE CHILD IS IN THE LEGAL CUSTODY OF A PUBLIC AGENCY IN THE
6 SENDING STATE.

7 3. WHEN A COURT IN THE SENDING STATE HAS OTHERWISE APPROPRIATELY
8 ASSUMED JURISDICTION OVER THE CHILD, BEFORE THE SUBMISSION OF THE REQUEST FOR
9 APPROVAL OF PLACEMENT.

10 I. A FINAL DECREE OF ADOPTION SHALL NOT BE ENTERED IN ANY JURISDICTION
11 UNTIL THE PLACEMENT IS AUTHORIZED AS AN APPROVED PLACEMENT BY THE PUBLIC
12 CHILD PLACING AGENCY IN THE RECEIVING STATE.

13 ARTICLE V. PLACEMENT EVALUATION

14 A. BEFORE SENDING, BRINGING OR CAUSING A CHILD TO BE SENT OR BROUGHT
15 INTO A RECEIVING STATE, THE PUBLIC CHILD PLACING AGENCY SHALL PROVIDE A
16 WRITTEN REQUEST FOR ASSESSMENT TO THE RECEIVING STATE.

17 B. FOR PLACEMENTS BY A PRIVATE CHILD PLACING AGENCY, A CHILD MAY BE
18 SENT OR BROUGHT, OR CAUSED TO BE SENT OR BROUGHT, INTO A RECEIVING STATE ON
19 RECEIPT AND IMMEDIATE REVIEW OF THE REQUIRED CONTENT IN A REQUEST FOR
20 APPROVAL OF A PLACEMENT IN BOTH THE SENDING AND RECEIVING STATE PUBLIC CHILD
21 PLACING AGENCY. THE REQUIRED CONTENT TO ACCOMPANY A REQUEST FOR APPROVAL
22 SHALL INCLUDE ALL OF THE FOLLOWING:

23 1. A REQUEST FOR APPROVAL THAT IDENTIFIES THE CHILD, THE CHILD'S BIRTH
24 PARENTS, THE PROSPECTIVE ADOPTIVE PARENTS AND THE SUPERVISING AGENCY AND THAT
25 IS SIGNED BY THE PERSON REQUESTING APPROVAL.

26 2. THE APPROPRIATE CONSENTS OR RELINQUISHMENTS SIGNED BY THE BIRTH
27 PARENTS IN ACCORDANCE WITH THE LAWS OF THE SENDING STATE OR, WHERE PERMITTED,
28 THE LAWS OF THE STATE WHERE THE ADOPTION WILL BE FINALIZED.

29 3. CERTIFICATION BY A LICENSED ATTORNEY OR AUTHORIZED AGENT OF A
30 PRIVATE ADOPTION AGENCY THAT THE CONSENT OR RELINQUISHMENT IS IN COMPLIANCE
31 WITH THE APPLICABLE LAWS OF THE SENDING STATE OR, WHERE PERMITTED, THE LAWS
32 OF THE STATE WHERE FINALIZATION OF THE ADOPTION WILL OCCUR.

33 4. A HOME STUDY.

34 5. AN ACKNOWLEDGMENT OF LEGAL RISK SIGNED BY THE PROSPECTIVE ADOPTIVE
35 PARENTS.

36 C. THE SENDING STATE AND THE RECEIVING STATE MAY REQUEST ADDITIONAL
37 INFORMATION OR DOCUMENTS BEFORE FINALIZATION OF AN APPROVED PLACEMENT, BUT
38 THEY MAY NOT DELAY TRAVEL BY THE PROSPECTIVE ADOPTIVE PARENTS WITH THE CHILD
39 IF THE REQUIRED CONTENT FOR APPROVAL HAS BEEN SUBMITTED, RECEIVED AND
40 REVIEWED BY THE PUBLIC CHILD PLACING AGENCY IN BOTH THE SENDING STATE AND THE
41 RECEIVING STATE.

42 D. APPROVAL FROM THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING
43 STATE FOR A PROVISIONAL OR APPROVED PLACEMENT IS REQUIRED AS PROVIDED FOR IN
44 THE RULES OF THE INTERSTATE COMMISSION.

1 E. THE PROCEDURES FOR MAKING AND THE REQUEST FOR AN ASSESSMENT SHALL
2 CONTAIN ALL INFORMATION AND BE IN SUCH FORM AS PROVIDED FOR IN THE RULES OF
3 THE INTERSTATE COMMISSION.

4 F. ON RECEIPT OF A REQUEST FROM THE PUBLIC CHILD PLACING AGENCY OF THE
5 SENDING STATE, THE RECEIVING STATE SHALL INITIATE AN ASSESSMENT OF THE
6 PROPOSED PLACEMENT TO DETERMINE ITS SAFETY AND SUITABILITY. IF THE PROPOSED
7 PLACEMENT IS A PLACEMENT WITH A RELATIVE, THE PUBLIC CHILD PLACING AGENCY OF
8 THE SENDING STATE MAY REQUEST A DETERMINATION FOR A PROVISIONAL PLACEMENT.

9 G. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE MAY REQUEST
10 AND SHALL BE ENTITLED TO RECEIVE FROM THE PUBLIC CHILD PLACING AGENCY OR THE
11 PRIVATE CHILD PLACING AGENCY IN THE SENDING STATE SUPPORTING OR ADDITIONAL
12 INFORMATION NECESSARY TO COMPLETE THE ASSESSMENT OR APPROVE THE PLACEMENT.

13 H. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE SHALL
14 APPROVE A PROVISIONAL PLACEMENT AND COMPLETE OR ARRANGE FOR THE COMPLETION OF
15 THE ASSESSMENT WITHIN THE TIMEFRAMES ESTABLISHED BY THE RULES OF THE
16 INTERSTATE COMMISSION.

17 I. FOR A PLACEMENT BY A PRIVATE CHILD PLACING AGENCY, THE SENDING
18 STATE SHALL NOT IMPOSE ANY ADDITIONAL REQUIREMENTS TO COMPLETE THE HOME STUDY
19 THAT ARE NOT REQUIRED BY THE RECEIVING STATE UNLESS THE ADOPTION IS FINALIZED
20 IN THE SENDING STATE.

21 J. THE INTERSTATE COMMISSION MAY DEVELOP UNIFORM STANDARDS FOR THE
22 ASSESSMENT OF THE SAFETY AND SUITABILITY OF INTERSTATE PLACEMENTS.

23 ARTICLE VI. PLACEMENT AUTHORITY

24 A. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, NO CHILD SUBJECT TO
25 THIS COMPACT SHALL BE PLACED INTO A RECEIVING STATE UNTIL APPROVAL FOR THAT
26 PLACEMENT IS OBTAINED.

27 B. IF THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE DOES NOT
28 APPROVE THE PROPOSED PLACEMENT, THE CHILD SHALL NOT BE PLACED. THE RECEIVING
29 STATE SHALL PROVIDE WRITTEN DOCUMENTATION OF ANY SUCH DETERMINATION IN
30 ACCORDANCE WITH THE RULES PROMULGATED BY THE INTERSTATE COMMISSION. SUCH
31 DETERMINATION IS NOT SUBJECT TO JUDICIAL REVIEW IN THE SENDING STATE.

32 C. IF THE PROPOSED PLACEMENT IS NOT APPROVED, ANY INTERESTED PARTY
33 SHALL HAVE STANDING TO SEEK AN ADMINISTRATIVE REVIEW OF THE RECEIVING STATE'S
34 DETERMINATION. THE ADMINISTRATIVE REVIEW AND ANY FURTHER JUDICIAL REVIEW
35 ASSOCIATED WITH THE DETERMINATION SHALL BE CONDUCTED IN THE RECEIVING STATE
36 PURSUANT TO ITS APPLICABLE ADMINISTRATIVE PROCEDURES ACT. IF A DETERMINATION
37 NOT TO APPROVE THE PLACEMENT OF THE CHILD IN THE RECEIVING STATE IS
38 OVERTURNED ON REVIEW, THE PLACEMENT SHALL BE DEEMED APPROVED IF ALL
39 ADMINISTRATIVE OR JUDICIAL REMEDIES HAVE BEEN EXHAUSTED OR THE TIME FOR SUCH
40 REMEDIES HAS PASSED.

41 ARTICLE VII. PLACING AGENCY RESPONSIBILITY

42 A. FOR THE INTERSTATE PLACEMENT OF A CHILD MADE BY A PUBLIC CHILD
43 PLACING AGENCY OR STATE COURT:

44 1. THE PUBLIC CHILD PLACING AGENCY IN THE SENDING STATE SHALL HAVE
45 FINANCIAL RESPONSIBILITY FOR BOTH:

1 (a) THE ONGOING SUPPORT AND MAINTENANCE FOR THE CHILD DURING THE
2 PERIOD OF THE PLACEMENT UNLESS OTHERWISE PROVIDED FOR IN THE RECEIVING STATE.

3 (b) AS DETERMINED BY THE PUBLIC CHILD PLACING AGENCY IN THE SENDING
4 STATE, SERVICES FOR THE CHILD BEYOND THE PUBLIC SERVICES FOR WHICH THE CHILD
5 IS ELIGIBLE IN THE RECEIVING STATE.

6 2. THE RECEIVING STATE SHALL ONLY HAVE FINANCIAL RESPONSIBILITY FOR:

7 (a) ANY ASSESSMENT CONDUCTED BY THE RECEIVING STATE.

8 (b) SUPERVISION CONDUCTED BY THE RECEIVING STATE AT THE LEVEL
9 NECESSARY TO SUPPORT THE PLACEMENT AS AGREED ON BY THE PUBLIC CHILD PLACING
10 AGENCIES OF THE RECEIVING AND SENDING STATES.

11 3. NOTHING IN THIS ARTICLE SHALL PROHIBIT PUBLIC CHILD PLACING
12 AGENCIES IN THE SENDING STATE FROM ENTERING INTO AGREEMENTS WITH LICENSED
13 AGENCIES OR PERSONS IN THE RECEIVING STATE TO CONDUCT ASSESSMENTS AND PROVIDE
14 SUPERVISION.

15 B. FOR THE PLACEMENT OF A CHILD BY A PRIVATE CHILD PLACING AGENCY
16 PRELIMINARY TO A POSSIBLE ADOPTION, THE PRIVATE CHILD PLACING AGENCY SHALL
17 BE:

18 1. LEGALLY RESPONSIBLE FOR THE CHILD DURING THE PERIOD OF PLACEMENT AS
19 PROVIDED FOR IN THE LAW OF THE SENDING STATE UNTIL THE FINALIZATION OF THE
20 ADOPTION.

21 2. FINANCIALLY RESPONSIBLE FOR THE CHILD ABSENT A CONTRACTUAL
22 AGREEMENT TO THE CONTRARY.

23 C. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE SHALL
24 PROVIDE TIMELY ASSESSMENTS, AS PROVIDED FOR IN THE RULES OF THE INTERSTATE
25 COMMISSION.

26 D. THE PUBLIC CHILD PLACING AGENCY IN THE RECEIVING STATE SHALL
27 PROVIDE, OR ARRANGE FOR THE PROVISION OF, SUPERVISION AND SERVICES FOR THE
28 CHILD, INCLUDING TIMELY REPORTS, DURING THE PERIOD OF THE PLACEMENT.

29 E. NOTHING IN THIS COMPACT LIMITS THE AUTHORITY OF THE PUBLIC CHILD
30 PLACING AGENCY IN THE RECEIVING STATE FROM CONTRACTING WITH A LICENSED AGENCY
31 OR PERSON IN THE RECEIVING STATE FOR AN ASSESSMENT OR THE PROVISION OF
32 SUPERVISION OR SERVICES FOR THE CHILD OR OTHERWISE AUTHORIZING THE PROVISION
33 OF SUPERVISION OR SERVICES BY A LICENSED AGENCY DURING THE PERIOD OF
34 PLACEMENT.

35 F. EACH MEMBER STATE SHALL PROVIDE FOR COORDINATION AMONG ITS BRANCHES
36 OF GOVERNMENT CONCERNING THE STATE'S PARTICIPATION IN AND COMPLIANCE WITH THE
37 COMPACT AND INTERSTATE COMMISSION ACTIVITIES, THROUGH THE ESTABLISHMENT OF AN
38 ADVISORY COUNCIL OR THE USE OF AN EXISTING BODY OR BOARD.

39 G. EACH MEMBER STATE SHALL ESTABLISH A CENTRAL STATE COMPACT OFFICE,
40 WHICH SHALL BE RESPONSIBLE FOR STATE COMPLIANCE WITH THE COMPACT AND THE
41 RULES OF THE INTERSTATE COMMISSION.

42 H. BEFORE PLACEMENT, THE PUBLIC CHILD PLACING AGENCY IN THE SENDING
43 STATE SHALL OVERSEE COMPLIANCE WITH THE INDIAN CHILD WELFARE ACT (25 UNITED
44 STATES CODE SECTION 1901) FOR PLACEMENTS SUBJECT TO THE PROVISIONS OF THIS
45 COMPACT.

1 I. WITH THE CONSENT OF THE INTERSTATE COMMISSION, STATES MAY ENTER
2 INTO LIMITED AGREEMENTS THAT FACILITATE THE TIMELY ASSESSMENT AND PROVISION
3 OF SERVICES AND SUPERVISION OF PLACEMENTS UNDER THIS COMPACT.

4 ARTICLE VIII. INTERSTATE COMMISSION
5 FOR THE PLACEMENT OF CHILDREN

6 THE MEMBER STATES HEREBY ESTABLISH, BY WAY OF THIS COMPACT, A
7 COMMISSION KNOWN AS THE INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN.
8 THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF PUBLIC
9 POLICY AND ARE A DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION
10 SHALL:

11 A. BE A JOINT COMMISSION OF THE MEMBER STATES AND SHALL HAVE THE
12 RESPONSIBILITIES, POWERS AND DUTIES SET FORTH IN THIS ARTICLE AND SUCH
13 ADDITIONAL POWERS AS MAY BE CONFERRED ON IT BY SUBSEQUENT CONCURRENT ACTION
14 OF THE RESPECTIVE LEGISLATURES OF THE MEMBER STATES.

15 B. CONSIST OF ONE COMMISSIONER FROM EACH MEMBER STATE WHO SHALL BE
16 APPOINTED BY THE EXECUTIVE HEAD OF THE STATE HUMAN SERVICES ADMINISTRATION
17 WITH ULTIMATE RESPONSIBILITY FOR THE CHILD WELFARE PROGRAM. THE APPOINTED
18 COMMISSIONER SHALL HAVE THE LEGAL AUTHORITY TO VOTE ON POLICY RELATED MATTERS
19 GOVERNED BY THIS COMPACT BINDING THE STATE, AS FOLLOWS:

20 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE INTERSTATE
21 COMMISSION IS ENTITLED TO ONE VOTE.

22 2. A MAJORITY OF THE MEMBER STATES SHALL CONSTITUTE A QUORUM FOR THE
23 TRANSACTION OF BUSINESS UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF
24 THE INTERSTATE COMMISSION.

25 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER MEMBER STATE.

26 4. A REPRESENTATIVE MAY DELEGATE VOTING AUTHORITY TO ANOTHER PERSON
27 FROM THE REPRESENTATIVE'S STATE FOR A SPECIFIED MEETING.

28 C. IN ADDITION TO THE COMMISSIONERS OF EACH MEMBER STATE, INCLUDE
29 PERSONS WHO ARE MEMBERS OF INTERESTED ORGANIZATIONS AS DEFINED IN THE BYLAWS
30 OR RULES OF THE INTERSTATE COMMISSION. THESE MEMBERS SHALL BE EX OFFICIO AND
31 SHALL NOT BE ENTITLED TO VOTE ON ANY MATTER BEFORE THE INTERSTATE COMMISSION.

32 D. ESTABLISH AN EXECUTIVE COMMITTEE THAT HAS AUTHORITY TO ADMINISTER
33 THE DAY-TO-DAY OPERATIONS AND ADMINISTRATION OF THE INTERSTATE COMMISSION.
34 IT SHALL NOT HAVE THE POWER TO ENGAGE IN RULEMAKING.

35 ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

36 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

37 1. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO EFFECT THE
38 GOALS, PURPOSES AND OBLIGATIONS AS ENUMERATED IN THIS COMPACT.

39 2. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES.

40 3. ON REQUEST OF A MEMBER STATE, TO ISSUE ADVISORY OPINIONS CONCERNING
41 THE MEANING OR INTERPRETATION OF THE INTERSTATE COMPACT AND ITS BYLAWS, RULES
42 OR ACTIONS.

43 4. TO ENFORCE COMPLIANCE WITH THIS COMPACT OR THE BYLAWS OR RULES OF
44 THE INTERSTATE COMMISSION PURSUANT TO ARTICLE XII OF THIS COMPACT.

1 5. TO COLLECT STANDARDIZED DATA CONCERNING THE INTERSTATE PLACEMENT OF
2 CHILDREN SUBJECT TO THIS COMPACT AS DIRECTED THROUGH ITS RULES. THE RULES
3 SHALL SPECIFY THE DATA TO BE COLLECTED, THE MEANS OF COLLECTION AND DATA
4 EXCHANGE AND REPORTING REQUIREMENTS.

5 6. TO ESTABLISH AND MAINTAIN OFFICES AS MAY BE NECESSARY FOR THE
6 TRANSACTING OF ITS BUSINESS.

7 7. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

8 8. TO HIRE OR CONTRACT FOR SERVICES OF PERSONNEL OR CONSULTANTS AS
9 NECESSARY TO CARRY OUT ITS FUNCTIONS UNDER THE COMPACT AND ESTABLISH
10 PERSONNEL QUALIFICATION POLICIES AND RATES OF COMPENSATION.

11 9. TO ESTABLISH AND APPOINT COMMITTEES AND OFFICERS INCLUDING, BUT NOT
12 LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE X OF THIS COMPACT.

13 10. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
14 SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE AND DISPOSE
15 THEREOF.

16 11. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF OR
17 OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY REAL OR PERSONAL PROPERTY, OR
18 BOTH.

19 12. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
20 OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY, OR BOTH.

21 13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

22 14. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION
23 OF THE INTERSTATE COMMISSION.

24 15. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, THE JUDICIARY,
25 AND STATE ADVISORY COUNCILS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF
26 THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR. THE REPORTS SHALL ALSO
27 INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
28 COMMISSION.

29 16. TO COORDINATE AND PROVIDE EDUCATION, TRAINING AND PUBLIC AWARENESS
30 REGARDING THE INTERSTATE MOVEMENT OF CHILDREN FOR OFFICIALS INVOLVED IN SUCH
31 ACTIVITY.

32 17. TO MAINTAIN BOOKS AND RECORDS IN ACCORDANCE WITH THE BYLAWS OF THE
33 INTERSTATE COMMISSION.

34 18. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
35 ACHIEVE THE PURPOSES OF THIS COMPACT.

36 ARTICLE X. ORGANIZATION AND OPERATION
37 OF THE INTERSTATE COMMISSION

38 A. WITHIN TWELVE MONTHS AFTER THE FIRST INTERSTATE COMMISSION MEETING,
39 THE INTERSTATE COMMISSION SHALL ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE
40 NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT.

41 B. THE INTERSTATE COMMISSION'S BYLAWS AND RULES SHALL ESTABLISH
42 CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE
43 ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION
44 OR COPYING. THE INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE INFORMATION

1 OR OFFICIAL RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL
2 PRIVACY RIGHTS OR PROPRIETARY INTERESTS.

3 C. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR
4 YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, ON THE REQUEST OF A
5 SIMPLE MAJORITY OF THE MEMBER STATES, SHALL CALL ADDITIONAL MEETINGS.

6 D. THE INTERSTATE COMMISSION SHALL GIVE PUBLIC NOTICE OF ALL MEETINGS
7 AND ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE
8 RULES OR AS OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION AND
9 ITS COMMITTEES MAY CLOSE A MEETING, OR PORTION OF A MEETING, IF IT DETERMINES
10 BY TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY TO DO ANY OF THE
11 FOLLOWING:

12 1. RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL PERSONNEL
13 PRACTICES AND PROCEDURES.

14 2. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
15 LAW.

16 3. DISCLOSE FINANCIAL OR COMMERCIAL INFORMATION THAT IS PRIVILEGED,
17 PROPRIETARY OR CONFIDENTIAL IN NATURE.

18 4. INVOLVE ACCUSING A PERSON OF A CRIME OR FORMALLY CENSURING A
19 PERSON.

20 5. DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD
21 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY OR PHYSICALLY
22 ENDANGER ONE OR MORE PERSONS.

23 6. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
24 PURPOSES.

25 7. SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S PARTICIPATION IN
26 A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

27 E. FOR A MEETING, OR PORTION OF A MEETING, THAT IS CLOSED PURSUANT TO
28 SUBSECTION D OF THIS ARTICLE, THE INTERSTATE COMMISSION'S LEGAL COUNSEL OR
29 DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE
30 EACH RELEVANT EXEMPTION PROVISION. THE INTERSTATE COMMISSION SHALL KEEP
31 MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING
32 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE
33 REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED AND THE
34 RECORD OF A ROLL CALL VOTE. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
35 ACTION SHALL BE IDENTIFIED IN THE MINUTES. ALL MINUTES AND DOCUMENTS OF A
36 CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE
37 OF THE INTERSTATE COMMISSION OR BY COURT ORDER.

38 F. THE BYLAWS MAY PROVIDE FOR INTERSTATE COMMISSION MEETINGS TO BE
39 CONDUCTED BY TELECOMMUNICATION OR OTHER ELECTRONIC COMMUNICATION.

40 G. THE INTERSTATE COMMISSION, THROUGH ITS EXECUTIVE COMMITTEE, MAY
41 APPOINT OR RETAIN A STAFF DIRECTOR FOR SUCH PERIOD, ON SUCH TERMS AND
42 CONDITIONS AND FOR SUCH COMPENSATION, AS THE INTERSTATE COMMISSION DEEMS
43 APPROPRIATE. THE STAFF DIRECTOR SHALL SERVE AS SECRETARY TO THE INTERSTATE
44 COMMISSION BUT SHALL NOT HAVE A VOTE. THE STAFF DIRECTOR MAY HIRE AND
45 SUPERVISE OTHER STAFF AS AUTHORIZED BY THE INTERSTATE COMMISSION.

1 H. THE INTERSTATE COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS A
2 CHAIRPERSON AND A VICE CHAIRPERSON OF THE EXECUTIVE COMMITTEE AND OTHER
3 NECESSARY OFFICERS, EACH OF WHOM SHALL HAVE SUCH AUTHORITY AND DUTIES AS MAY
4 BE SPECIFIED IN THE BYLAWS.

5 I. THE INTERSTATE COMMISSION'S STAFF DIRECTOR AND ITS EMPLOYEES SHALL
6 BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
7 CAPACITIES, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY
8 OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF OR RELATING TO AN ACTUAL
9 OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
10 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION
11 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. SUCH PERSON SHALL NOT BE PROTECTED
12 FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY A
13 CRIMINAL ACT OR THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH
14 PERSON.

15 J. THE LIABILITY OF THE INTERSTATE COMMISSION'S STAFF DIRECTOR AND
16 EMPLOYEES OR INTERSTATE COMMISSION REPRESENTATIVES WHO ARE ACTING WITHIN THE
17 SCOPE OF THEIR EMPLOYMENT OR DUTIES FOR ACTS, ERRORS OR OMISSIONS OCCURRING
18 WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY SET FORTH
19 UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE OFFICIALS, EMPLOYEES
20 AND AGENTS. THE INTERSTATE COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY
21 OF THE STATE FOR THE PURPOSES OF ANY SUCH ACTION. THIS SUBSECTION DOES NOT
22 PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY OR
23 LIABILITY CAUSED BY A CRIMINAL ACT OR THE INTENTIONAL OR WILLFUL AND WANTON
24 MISCONDUCT OF THAT PERSON.

25 K. THE INTERSTATE COMMISSION SHALL DEFEND THE STAFF DIRECTOR AND ITS
26 EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR OTHER
27 APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE, SHALL DEFEND THE COMMISSIONER
28 OF A MEMBER STATE IN A CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT
29 OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE
30 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES OR THAT THE
31 DEFENDANT HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
32 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE ACTUAL
33 OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL
34 AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

35 L. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, THE MEMBER STATE
36 OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE
37 INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR
38 JUDGMENT, INCLUDING ATTORNEY FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS
39 ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
40 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
41 RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING
42 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
43 RESPONSIBILITIES, IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT
44 RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH
45 PERSONS.

ARTICLE XI. RULEMAKING FUNCTIONS
OF THE INTERSTATE COMMISSION

A. THE INTERSTATE COMMISSION SHALL PROMULGATE AND PUBLISH RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT.

B. RULEMAKING SHALL OCCUR PURSUANT TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE BYLAWS AND RULES ADOPTED PURSUANT TO THIS ARTICLE. SUCH RULEMAKING SHALL SUBSTANTIALLY CONFORM TO THE PRINCIPLES OF THE "MODEL STATE ADMINISTRATIVE PROCEDURES ACT," 1981 ACT, UNIFORM LAWS ANNOTATED, VOL. 15, p.1 (2000), OR SUCH OTHER ADMINISTRATIVE PROCEDURE ACTS AS THE INTERSTATE COMMISSION DEEMS APPROPRIATE AND CONSISTENT WITH DUE PROCESS REQUIREMENTS UNDER THE UNITED STATES CONSTITUTION AS NOW OR HEREAFTER INTERPRETED BY THE UNITED STATES SUPREME COURT. ALL RULES AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE SPECIFIED, AS PUBLISHED WITH THE FINAL VERSION OF THE RULE AS APPROVED BY THE INTERSTATE COMMISSION.

C. WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION SHALL, AT A MINIMUM:

1. PUBLISH THE PROPOSED RULE'S ENTIRE TEXT STATING THE REASONS FOR THAT PROPOSED RULE.

2. ALLOW AND INVITE ANY AND ALL PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS. THIS INFORMATION SHALL BE ADDED TO THE RECORD AND MADE PUBLICLY AVAILABLE.

3. PROMULGATE A FINAL RULE AND ITS EFFECTIVE DATE, IF APPROPRIATE, BASED ON INPUT FROM STATE OR LOCAL OFFICIALS OR INTERESTED PARTIES.

D. RULES PROMULGATED BY THE INTERSTATE COMMISSION SHALL HAVE THE FORCE AND EFFECT OF ADMINISTRATIVE RULES AND SHALL BE BINDING IN THE COMPACTING STATES TO THE EXTENT AND IN THE MANNER PROVIDED FOR IN THIS COMPACT.

E. NOT LATER THAN SIXTY DAYS AFTER A RULE IS PROMULGATED, AN INTERESTED PERSON MAY FILE A PETITION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT WHERE THE INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR JUDICIAL REVIEW OF SUCH RULE. IF THE COURT FINDS THAT THE INTERSTATE COMMISSION'S ACTION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RULE MAKING RECORD, THE COURT SHALL HOLD THE RULE UNLAWFUL AND SET IT ASIDE.

F. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A RULE, THOSE STATES MAY BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT CAUSE THAT SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.

G. THE EXISTING RULES GOVERNING THE OPERATION OF THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN THAT IS SUPERSEDED BY THIS ACT SHALL BE NULL AND VOID NO LESS THAN TWELVE BUT NO MORE THAN TWENTY-FOUR MONTHS AFTER THE FIRST MEETING OF THE INTERSTATE COMMISSION ESTABLISHED BY THIS ACT, AS DETERMINED BY THE MEMBERS DURING THE FIRST MEETING.

H. WITHIN THE FIRST TWELVE MONTHS OF OPERATION, THE INTERSTATE COMMISSION SHALL PROMULGATE RULES ADDRESSING THE FOLLOWING:

1. TRANSITION RULES.

1 2. FORMS AND PROCEDURES.
2 3. TIME LINES.
3 4. DATA COLLECTION AND REPORTING.
4 5. RULE MAKING.
5 6. VISITATION.
6 7. PROGRESS REPORTS AND SUPERVISION.
7 8. SHARING OF INFORMATION AND CONFIDENTIALITY.
8 9. FINANCING OF THE INTERSTATE COMMISSION.
9 10. MEDIATION, ARBITRATION AND DISPUTE RESOLUTION.
10 11. EDUCATION, TRAINING AND TECHNICAL ASSISTANCE.
11 12. ENFORCEMENT.
12 13. COORDINATION WITH OTHER INTERSTATE COMPACTS.
13 1. ON DETERMINATION BY A MAJORITY OF THE MEMBERS OF THE INTERSTATE
14 COMMISSION THAT AN EMERGENCY EXISTS:
15 1. THE INTERSTATE COMMISSION MAY PROMULGATE AN EMERGENCY RULE ONLY IF
16 IT IS REQUIRED TO:
17 (a) PROTECT THE CHILDREN COVERED BY THIS COMPACT FROM AN IMMINENT
18 THREAT TO THEIR HEALTH, SAFETY AND WELL-BEING.
19 (b) PREVENT LOSS OF FEDERAL OR STATE FUNDS.
20 (c) MEET A DEADLINE FOR THE PROMULGATION OF AN ADMINISTRATIVE RULE
21 REQUIRED BY FEDERAL LAW.
22 2. AN EMERGENCY RULE BECOMES EFFECTIVE IMMEDIATELY ON ADOPTION, EXCEPT
23 THAT THE USUAL RULE MAKING PROCEDURES PROVIDED HEREUNDER SHALL BE
24 RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, BUT NO
25 LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF THE EMERGENCY RULE.
26 3. AN EMERGENCY RULE SHALL BE PROMULGATED AS PROVIDED FOR IN THE RULES
27 OF THE INTERSTATE COMMISSION.
28 ARTICLE XII. OVERSIGHT, DISPUTE
29 RESOLUTION AND ENFORCEMENT
30 A. THE INTERSTATE COMMISSION SHALL OVERSEE THE ADMINISTRATION AND
31 OPERATION OF THE COMPACT.
32 B. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
33 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND THE RULES OF
34 THE INTERSTATE COMMISSION AND SHALL TAKE ALL ACTIONS NECESSARY AND
35 APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE COMPACT AND
36 ITS RULES SHALL BE BINDING IN THE COMPACTING STATES TO THE EXTENT AND IN THE
37 MANNER PROVIDED FOR IN THIS COMPACT. ALL COURTS SHALL TAKE JUDICIAL NOTICE
38 OF THE COMPACT AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN
39 A MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT.
40 C. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
41 PROCESS IN ANY ACTION IN WHICH THE VALIDITY OF A COMPACT PROVISION OR RULE IS
42 THE ISSUE FOR WHICH A JUDICIAL DETERMINATION HAS BEEN SOUGHT AND SHALL HAVE
43 STANDING TO INTERVENE IN ANY PROCEEDINGS. FAILURE TO PROVIDE SERVICE OF
44 PROCESS TO THE INTERSTATE COMMISSION SHALL RENDER ANY JUDGMENT, ORDER OR
45 OTHER DETERMINATION, HOWEVER SO CAPTIONED OR CLASSIFIED, VOID AS TO THE

1 INTERSTATE COMMISSION, THIS COMPACT, ITS BYLAWS OR THE RULES OF THE
2 INTERSTATE COMMISSION.

3 D. ON THE REQUEST OF A MEMBER STATE, THE INTERSTATE COMMISSION SHALL
4 ATTEMPT TO RESOLVE DISPUTES THAT ARE SUBJECT TO THE COMPACT AND THAT MAY
5 ARISE AMONG MEMBER STATES AND BETWEEN MEMBER AND NONMEMBER STATES.

6 E. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
7 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AMONG COMPACTING
8 STATES. THE COSTS OF SUCH MEDIATION OR DISPUTE RESOLUTION SHALL BE THE
9 RESPONSIBILITY OF THE PARTIES TO THE DISPUTE.

10 F. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS
11 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER
12 THIS COMPACT, ITS BYLAWS OR RULES, THE INTERSTATE COMMISSION MAY:

13 1. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE.

14 2. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
15 STATES OF THE NATURE OF THE DEFAULT AND THE MEANS OF CURING THE DEFAULT. THE
16 INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING
17 STATE MUST CURE ITS DEFAULT.

18 3. BY MAJORITY VOTE OF THE MEMBERS, INITIATE AGAINST A DEFAULTING
19 MEMBER STATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE
20 DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION, IN
21 THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICE
22 TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS OR
23 RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN
24 THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY THE PREVAILING PARTY SHALL BE
25 AWARDED ALL COSTS OF LITIGATION INCLUDING REASONABLE ATTORNEY FEES.

26 4. AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE
27 REGULATION OF OFFICIAL OR PROFESSIONAL CONDUCT.

28 ARTICLE XIII. FINANCING OF THE COMMISSION

29 A. THE INTERSTATE COMMISSION SHALL PAY OR PROVIDE FOR THE PAYMENT OF
30 THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
31 ACTIVITIES.

32 B. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
33 ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND
34 ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF WHICH MUST BE IN A
35 TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S ANNUAL BUDGET AS
36 APPROVED BY ITS MEMBERS EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT
37 SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE INTERSTATE
38 COMMISSION WHICH SHALL PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

39 C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
40 BEFORE SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR SHALL THE INTERSTATE
41 COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH
42 THE AUTHORITY OF THE MEMBER STATE.

43 D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
44 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTERSTATE
45 COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES

1 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF
2 FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A
3 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE
4 INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE INTERSTATE
5 COMMISSION.

6 ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

7 A. ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE.

8 B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING ON LEGISLATIVE
9 ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN THIRTY-FIVE OF THE STATES.
10 THE EFFECTIVE DATE SHALL BE THE LATER OF JULY 1, 2007 OR ON ENACTMENT OF THE
11 COMPACT INTO LAW BY THE THIRTY-FIFTH STATE. THEREAFTER IT SHALL BECOME
12 EFFECTIVE AND BINDING AS TO ANY OTHER MEMBER STATE ON ENACTMENT OF THE
13 COMPACT INTO LAW BY THAT STATE. THE EXECUTIVE HEADS OF THE STATE HUMAN
14 SERVICES ADMINISTRATION WITH ULTIMATE RESPONSIBILITY FOR THE CHILD WELFARE
15 PROGRAM OF NONMEMBER STATES OR THEIR DESIGNEES SHALL BE INVITED TO
16 PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A NONVOTING
17 BASIS BEFORE ADOPTION OF THE COMPACT BY ALL STATES.

18 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR
19 ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND
20 BINDING ON THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY
21 UNANIMOUS CONSENT OF THE MEMBER STATES.

22 ARTICLE XV. WITHDRAWAL AND DISSOLUTION

23 A. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN
24 BINDING ON EACH AND EVERY MEMBER STATE, EXCEPT THAT A MEMBER STATE MAY
25 WITHDRAW FROM THE COMPACT SPECIFICALLY REPEALING THE STATUTE THAT ENACTED THE
26 COMPACT INTO LAW.

27 B. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE
28 REPEALING THE SAME. THE EFFECTIVE DATE OF WITHDRAWAL SHALL BE THE EFFECTIVE
29 DATE OF THE REPEAL OF THE STATUTE.

30 C. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF
31 THE INTERSTATE COMMISSION IN WRITING UPON THE INTRODUCTION OF LEGISLATION
32 REPEALING THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE COMMISSION
33 SHALL THEN NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT
34 TO WITHDRAW.

35 D. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS,
36 OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF
37 WITHDRAWAL.

38 E. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR ON
39 THE WITHDRAWING STATE REENACTING THE COMPACT OR ON SUCH LATER DATE AS
40 DETERMINED BY THE MEMBERS OF THE INTERSTATE COMMISSION.

41 F. THIS COMPACT SHALL DISSOLVE EFFECTIVE ON THE DATE OF THE WITHDRAWAL
42 OR DEFAULT OF THE MEMBER STATE THAT REDUCES THE MEMBERSHIP IN THE COMPACT TO
43 ONE MEMBER STATE.

44 G. ON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES NULL AND
45 VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND AFFAIRS

1 OF THE INTERSTATE COMMISSION SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE
2 DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

3 ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

4 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY
5 PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING
6 PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

7 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO
8 EFFECTUATE ITS PURPOSES.

9 C. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT THE
10 CONCURRENT APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE
11 MEMBERS.

12 ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS

13 A. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A
14 MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

15 B. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL
16 RULES AND BYLAWS PROMULGATED BY THE INTERSTATE COMMISSION, ARE BINDING ON THE
17 MEMBER STATES.

18 C. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER
19 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

20 D. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE
21 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, THE
22 PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE
23 CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.

24 ARTICLE XVIII. INDIAN TRIBES

25 NOTWITHSTANDING ANY OTHER PROVISION IN THIS COMPACT, THE INTERSTATE
26 COMMISSION MAY PROMULGATE GUIDELINES TO PERMIT INDIAN TRIBES TO UTILIZE THE
27 COMPACT TO ACHIEVE ANY OR ALL OF THE PURPOSES OF THE COMPACT AS SPECIFIED IN
28 ARTICLE I OF THIS COMPACT. THE INTERSTATE COMMISSION SHALL MAKE REASONABLE
29 EFFORTS TO CONSULT WITH INDIAN TRIBES IN PROMULGATING GUIDELINES TO REFLECT
30 THE DIVERSE CIRCUMSTANCES OF THE VARIOUS INDIAN TRIBES.

31 8-549.01. Interstate compact commissioner

32 A. PURSUANT TO THE COMPACT, THE GOVERNOR SHALL DESIGNATE THE DIRECTOR
33 OF THE DEPARTMENT OF ECONOMIC SECURITY AS THE COMPACT COMMISSIONER. THE
34 COMPACT COMMISSIONER, ACTING JOINTLY WITH LIKE OFFICERS OF OTHER STATES THAT
35 ARE PARTIES TO THE COMPACT, SHALL ADOPT RULES NECESSARY TO CARRY OUT THE
36 TERMS OF THE COMPACT.

37 B. THE COMPACT COMMISSIONER SHALL COOPERATE WITH OTHER DEPARTMENTS AND
38 AGENCIES TO FACILITATE THE PROPER ADMINISTRATION OF THE COMPACT AND ANY
39 SUPPLEMENTARY AGREEMENT OR AGREEMENTS ENTERED INTO BY THIS STATE PURSUANT TO
40 THE COMPACT.

41 8-549.02 Financial arrangements

42 THE COMPACT COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF
43 THE DEPARTMENT OF ADMINISTRATION, MAY MAKE OR ARRANGE FOR ANY PAYMENTS
44 NECESSARY TO DISCHARGE ANY FINANCIAL OBLIGATIONS IMPOSED ON THIS STATE BY THE
45 COMPACT OR BY ANY SUPPLEMENTARY AGREEMENT ENTERED INTO UNDER THE CONTRACT.

1 8-549.03. Effect on interstate compact on the placement of
2 children

3 THE COMPACT ADOPTED PURSUANT TO THIS ARTICLE SUPERSEDES ARTICLE 4 OF
4 THIS CHAPTER RELATING TO THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN
5 WHEN THE INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN BECOMES BINDING AND
6 ENFORCEABLE PURSUANT TO ITS TERMS.